

JUN 02 2005

**FROMMER LAWRENCE & HAUG LLP**

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**FACSIMILE COVER LETTER**

**To:** Commissioner for Patents  
Examiner Kevin Kim

**Firm:** U.S. Patent and Trademark Office  
Art Unit 2634

**Facsimile:** (703) 872-9306

**From:** Thomas F. Presson

**Date:** June 2, 2005

**Re:** FLH Ref No.: 450118-02282  
Serial No: 09/869,897

**Number of Pages:** 17  
(including cover page)

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00287188

PATENT  
450118-02282

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Atsushi Inomata, et al.  
 Serial No. : 09/869,897  
 Filed : October 15, 2001  
 For : ERROR RATE ESTIMATING DEVICE, METHOD, AND  
 INFORMATION RECORDING MEDIUM (as amended)  
 Examiner : Kim, Kevin  
 Art Unit : 2634

745 Fifth Avenue  
 New York, NY 10151  
 Tel: 212-588-0800

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an amendment in the above-identified application.

- ☒ No additional fee is required.  
☐ The fee has been calculated as shown below.  
☐ This is an application of a small entity under 37 CFR 1.9(f), and the amounts shown in parentheses apply.

**Claims as Amended**

(1)	(2) Claims remaining after amendment	(3)	(4) Highest number previously paid for	(5) Percent extra	(6) Rate	(7) Additional Fee
Total claims	22	Minus	** =22	* 2 x	\$0 (9)	= \$ 0
Independent claims	9	Minus	*** =9	* 6 x	\$0 (44)	= \$ 0
Total additional fee for this amendment						\$ 0

- \* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.  
 \*\* If the highest number of total claims previously paid for is less than 20, write "20" in this space.  
 \*\*\* If the highest number of independent claims previously paid for is less than 3, write "3" in this space.

- ☐ This application contains a multiple dependent claim. The required fee of \$300 (150) has been previously paid ☐, or is paid herewith ☐.
- ☐ This response is being filed within the \_\_\_\_\_ month following the expiration of the term originally set therefor. This is a petition to request a \_\_\_\_\_ month extension of time. A check covering the cost of the petition is enclosed.
- ☐ A check in the amount of \$ \_\_\_\_\_ is attached, which covers the cost of ☐ additional claims \_\_\_\_\_ petition for extension of time.
- ☐ Charge \$ \_\_\_\_\_ to Deposit Account No. 50-0320.
- ☒ Please charge any additional fees incurred by reason of this response or credit any overpayment to Deposit Account No. 50-0320.

I hereby certify that this correspondence is being submitted via facsimile transmittal addressed to the Commissioner of Patents and Trademarks on June 2, 2005.

Barnet Shindlman

Name of Applicant, Assignee or Registered Representative

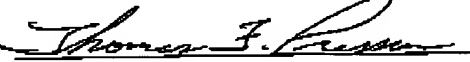
  
 Signature

June 2, 2005

Date of Signature

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
 Attorneys for Applicants


By:   
 Thomas F. Presson  
 Reg. No. 41,442

JUN 02 2005

PATENT  
450118-02282**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Atsushi Inomata, et al.  
Serial No. : 09/869,897  
Filed : October 15, 2001  
For : Error Rate Estimating Device, Method, and Information  
Recording Medium (as amended)  
Examiner : Kim, Kevin  
Art Unit : 2634  
Confirmation No. : 1251

745 Fifth Avenue  
New York, NY 10151

I hereby certify that this correspondence is being transmitted via facsimile to 703-872-9306 on June 2, 2005	
Barnet Shindlman (Name of person signing transmittal)	
 Signature	
June 2, 2005 Date of Signature	

**AMENDMENT UNDER 37 C.F.R. § 1.121**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed on March 10, 2005, having a three-month statutory period for response set to expire on June 10, 2005, please amend the above-identified application as follows.

PATENT  
450118-02282

**Amendments to the Specification** begin on page 3 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 4 of this paper.

**Remarks/Arguments** begin on page 14 of this paper.